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APR 13 2006

OFFICE OF PETITIONS

In re Application of :
Alan K. Schaer :
Application No. 10/601,288 :
Filed: June 20, 2003 : ON PETITION
Title of Invention: :
EP CATHETHER :

This is a decision on the Petition to Rescind Notice of Abandonment Under 37 CFR 1.181(a), filed August 11, 2005.

The petition is **granted.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 7, 2005. The Office communication set a shortened statutory reply period of three (3) months, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned September 8, 2005. A Notice of Abandonment was mailed January 30, 2006.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant avers that a timely reply was filed on December 2, 2005 using the Certificate of Facsimile Transmission procedures under 37 CFR 1.8. In support of this assertion, Applicant provides a copies of an Amendment in response to the Office action of June 7, 2005; fee transmittal form authorizing extension of time fee to be charged to deposit account 04-0679, and a copy of an Auto-Reply Facsimile Transmission indicating receipt of 29 pages from Applicant via facsimile on December 22, 2005.

A review of the Amendment in response to the Office action of June 7, 2005 reveals that it included a Certificate of Facsimile Transmission dated December 22, 2005.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

The copy of the Amendment in response to the Office action of June 7, 2005, re-filed with the instant petition on February 24, 2006, will be used for examination purposes.

No petition fee has been charged and none is due.

The application file is being referred to Technology Center Art Unit 3739 for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3232.


Derek L. Woods

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